

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:	
PARENT ON BEHALF OF STUDENT,	OAH Case No. 2015020110
v.	
MOUNTAIN VIEW-LOS ALTOS HIGH SCHOOL DISTRICT,	
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MOUNTAIN VIEW-LOS ALTOS HIGH SCHOOL DISTRICT,	OAH Case No. 2015040694
v.	
PARENT ON BEHALF OF STUDENT.	ORDER GRANTING MOTION TO CONSOLIDATE

On January 27, 2015, Parent on behalf of Student filed with the Office of Administrative Hearings a Request for Due Process Hearing in OAH case number 2015020110 (Student's Case), naming the Mountain View-Los Altos High School District as respondent..

On April 10, 2015, Mountain View filed with OAH a Request for Due Process Hearing in OAH case number 2015040694 (District's Case), naming Student as respondent..

On April 10, 2015, Mountain View filed a Motion to Consolidate the Student's Case with the District's Case.

Student did not file a response to the motion.

CONSOLIDATION AND DISCUSSION

Although no statute or regulation specifically provides a standard to be applied in deciding a motion to consolidate special education cases, OAH will generally consolidate matters that involve: a common question of law and/or fact; the same parties; and when consolidation of the matters furthers the interests of judicial economy by saving time or preventing inconsistent rulings. (See Gov. Code, § 11507.3, subd. (a) [administrative

proceedings may be consolidated if they involve a common question of law or fact]; Code of Civ. Proc., § 1048, subd. (a) [same applies to civil cases].

In her complaint, Student contends that Mountain View deprived Student of a free appropriate public education during school years 2012-2013, 2013-2014, and 2014-2015. In its complaint, Mountain View contends that the proposed January 28, 2015 Individualized Education Program provides Student with a free appropriate public education.

Here, the Student's Case and District's Case involve a common question of law or fact; specifically, the appropriateness of the Individualized Education Program which was offered on January 28, 2015. Student does not oppose the motion. Accordingly, consolidation is granted.

District's Motion to Continue and Assign Dates in Consolidated Matters

A due process hearing must be held, and a decision rendered, within 45 days of receipt of the complaint, unless a continuance is granted for good cause. (Ed. Code, §§ 56502, subd. (f) & 56505, subd. (f)(1)(C)(3).)

Mountain View requested that the prehearing conference and hearing in the consolidated cases be re-scheduled for the dates presently set in the Student's Case. This is treated as a motion to continue District's Case to the dates scheduled in the Student's Case. Good cause appearing, District's Case's mediation, prehearing conference and hearing are continued to those scheduled in Student's Case, and the dates previously set in Student's Case shall apply to these consolidated cases.

ORDER

1. Mountain View's Motion to Consolidate is granted. .
2. District's motion to continue the mediation, prehearing conference and hearing dates, set in OAH Case Number 2015040694 (District's Case), is granted for good cause.
3. The consolidated cases shall proceed pursuant to the March 16, 2015 order in OAH Case Number 2015020110 (Student's Case) which granted the Joint Request for Continuance. The Mediation in the consolidated cases shall be held on May 6, 2015 at 9:30 a.m., the Prehearing Conference in the consolidated cases shall be held on May 15, 2015, at 1:00 p.m., and the Due Process Hearing in the consolidated cases shall be held on May 26, 2015 through May 28, 2015 at 1:30 p.m. on the first day, and continuing day to day, Monday through Thursday, at the discretion of the Administrative Law Judge.
4. The 45-day timeline for issuance of the decision in the consolidated cases shall be based on the date of the filing of the complaint in OAH Case Number 2015040694 (District's Case).

5. All further pleadings in these consolidated cases shall be filed in OAH Case Number 2015020110 (Student's Case).

DATE: April 20, 2015

/s/

ROBERT HELFAND
Administrative Law Judge
Office of Administrative Hearings